

## REMARKS

Claims 19-26, 38-42, and 46 are pending. Claims 1-18 and 27-37 have been previously withdrawn and claims 43-45 have been canceled without prejudice or disclaimer. Claims 19 and 39 have been amended to address Examiner's objections based on informalities. Claim 20 has not been modified because the term "lens" is not limited to a round lens as featured in claim 20, but also a Fresnel lens as featured in claim 39. Claims 22 has been amended and claims 43-45 have been cancelled to overcome Examiner's §112 rejections. Responses to remaining rejections are contained in the sections below. Reconsideration of these claims is kindly requested based on the following arguments.

### Response Under 35 U.S.C. §103(a) and Traverse

The PTO has the burden of establishing a prima facie case of obviousness. MPEP 2142.

"To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure." (indentation and underline added for emphasis) MPEP 2142.

Henry et al. (U.S. Pat. No. 4,956,150) teaches microtiter stick (25) with wells (26) that form unfrosted concave lens areas (26') at recesses (36) such that light from light source (37) can transilluminate to a photosensor (35) on the opposite side of the stick. (Col. 7 to Col. 8) Sha et al. (U.S. Pub. No. 2003/0235519) teaches a lid (400) for a microplate (402) with transparent windows (424). This is distinguished from the two-member microcard with sample chambers of

the present invention. Sample chambers are different from sample wells. Wells contain an air gap between the sample and lid as illustrated in Sha et al. As recognized by Examiner in the Restriction Requirement dated April 14, 2006, lids for sample wells and microcards with sample chambers are different designs, modes of operation and effects. (RR page 3) Futher, Henry et al. does not teach a lens that can focus light into the sample and collect light emitted by the sample as featured in the present invention. Therefore, neither reference nor a combination of them teach or suggest all the claim limitations. In addition, there is no motivation to combine the references because the purpose of the Henry et al. is to permit flood filling of the sample wells. (Col. 6, Lines 32-55) whereas the purpose of Sha et al. is to permit individual-filling of the sample wells. (See [0028] or [0038]) Finally, there is no reasonable expectation of success in combining the two references. Reconsideration of the claims is requested.

In addition to the arguments above, the remaining rejections fail to teach the features of the claims and/or fail to provide motivation to combine. Ohta et al. (U.S. Pat. No. 5,169,601) does not provide a motivation to combined with Henry et al. and Sha et al. because Ohta et al. teaches an external convex lens that would change the shape of the sample wells of Henry et al. so that they would no longer work for their intended purpose. Warhurst et al. (U.S. Pat. No. 6,896,848) does not teach a sample chamber and does not provide a motivation to combine with Henry et al. and Sha et al. because Warhurst et al. does not provide optical access through cover (8) and pressure plate (10). Masahiko (EP 0065409) does not provide motivation to combine with Henry et al. and Sha et al. because Masahiko teaches an external Fresnel lens to scan the microplate that could not be incorporated into Henry et al. Finally, Hijikata (U.S. Pat. No. 3,932,132) does not teach a lens with an elongate portion and does not provide a motivation to combine with Henry et al. and Sha et al. because Hijikata teaches an external light guide that would change the shape of the sample wells of Henry et al. so that they would no longer work for their intended purpose. Reconsideration of the claims is requested.

Fee Authorization

Should any extension of time and/or fee be necessary for timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 4847)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,



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